IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1789 OF 2007

Nelson Francis Bugri ...Petitioner
V/s.
The Municipal Corporation of Gr.Mumbai
& Anr. ...Respondents

Mr.J.J. Shah for Petitioner.
Mr.A.J. Bhor for Respondent No.1.
Mr.R.A. Thorat with R.D. Thorat for Respondent No.2.

CORAM : V.M. KANADE, J.
DATED : 12th JULY, 2007.

P.C:-

1. Heard learned counsel for the Petitioner, learned counsel for Respondent No.1 and learned counsel for Respondent No.2.

2. The Petitioner takes exception to the order passed by the City Civil Court, Mumbai dated 13/10/2006 whereby the application filed by the Respondent No.2 for intervening in the suit filed by the Petitioner herein was allowed by the Trial Court.

3. The Petitioner filed suit in the City Civil Court, challenging notice which was issued by the Corporation U/s.354-A of MMC Act. It is submitted that after evidence was led by the Petitioner herein, the Respondent No.2 who is one of his tenants filed Chamber Summons for being added as party-defendant in the said suit. He submits that the Respondent No.2 does not have any legal right to intervene in the suit which is filed by the Petitioner/original plaintiff. He submits that the Trial Court had erred in holding that rights of the Respondent No.2 are likely to be affected.

4. I have perused the impugned order. There is no reason to interfere with the order while exercising writ jurisdiction under Article 227 of Constitution of India. Admittedly, the Respondent No.2 is in occupation of one of the shops situated on the suit premises. There is no infirmity in the aforesaid order. The writ petition is, accordingly, dismissed.

V.M. KANADE, J.